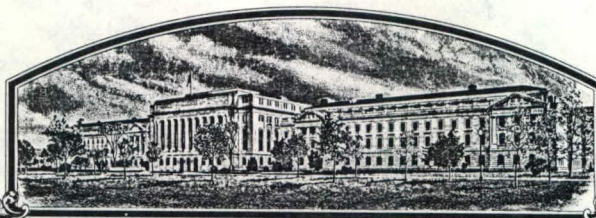


No.



8300156

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Moran Seeds, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (P.L. 85-625, 70 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

CELERY

'Deacon'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 25th day of January in the year of our Lord one thousand nine hundred and eighty-five.

Attest:

Kenneth A. Hays
Commissioner

Plant Variety Protection Office
Livestock, Meat, Grain & Seed Division
Agricultural Marketing Service

John R. Block
Secretary of Agriculture

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APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1. NAME OF APPLICANT(S) Moran Seeds, Inc.		2. TEMPORARY DESIGNATION CRY 001		3. VARIETY NAME DEACON	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) 1155 Harkins Road Salinas, CA 93901		5. PHONE (Include area code) (408) 757-3651		FOR OFFICIAL USE ONLY VPVO NUMBER 8300156	
6. GENUS AND SPECIES NAME Apium graveolens L.		7. FAMILY NAME (Botanical) Umbelliferae		FILING DATE 7/18/83 TIME 2:30 <input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	
8. KIND NAME CELERY		9. DATE OF DETERMINATION DEACON-JUNE 30, 1982		AMOUNT FOR FILING \$ 1,000 DATE 7/18/83	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) CORPORATION				AMOUNT FOR CERTIFICATE \$ 500.00 DATE 1/14/85	
11. IF INCORPORATED, GIVE STATE OF INCORPORATION DELAWARE				12. DATE OF INCORPORATION 4/29/64	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Frank V. Westerlund - Moran Seeds, Inc. 1155 Harkins Road, Salinas, CA 93901					

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED

- a. ☒ Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)
- b. ☒ Exhibit B, Novelty Statement
- c. ☒ Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)
- d. ☒ Exhibit D, Additional Description of the Variety

15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act.) ☐ Yes (If "Yes," answer items 16 and 17 below) ☒ No

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? ☐ Yes ☐ No

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? ☐ Foundation ☐ Registered ☐ Certified


18. DID THE APPLICANT(S) FILE FOR PROTECTION OF THE VARIETY IN THE U.S. OR OTHER COUNTRIES? ☐ Yes (If "Yes," give names of countries and dates) ☒ No

19. HAVE RIGHTS BEEN GRANTED IN THE U.S. OR OTHER COUNTRIES? ☐ Yes (If "Yes," give names of countries and dates) ☒ No

20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT 	DATE 7/15/83
SIGNATURE OF APPLICANT	DATE 1

INSTRUCTIONS

General: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Department of Agriculture, Agricultural Marketing Service, Livestock, Meat, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

Item

- 9 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 14a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 14b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 14c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 14d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 15 If "Yes" is specified (*seed of this variety be sold by variety name only as a class of certified seed*) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "No," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 16 See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.

EXHIBIT A

ORIGIN AND BREEDING HISTORY OF THE VARIETY

CELERY: DEACON

Deacon originated from a single plant selection from a heterogeneous Tall Utah 52-70 type in the Santa Maria Valley of California in 1976. The single plant selection was labeled 76-1-723. The plant was selected in an area of a field where 95% of the plants were dead or very stunted from a disease thought to be *Fusarium* Yellow Race 2. This was confirmed by laboratory isolations and greenhouse pathogenicity tests following Koch's postulates.

The plant was selfed in the greenhouse and the progeny were tested for resistance to *Fusarium oxysporum* f. sp. *apii* Race 1 and Race 2. Horticultural type and resistance to *Fusarium* Yellow Race 1 and 2 were stabilized after two (2) years of greenhouse resistance screening, and single plant selections in the field. In 1979 trials, a mass selection of 12 comparable plants was made and designated as 76-1-723-1 and used to produce a basic seed increase.

Greenhouse resistant screening trials and field trials in areas with a history of *Fusarium* Yellow Race 2 confirmed that the basic seed increase was resistant to *Fusarium* Yellow Race 2 and the genetic make-up of the variety was stabilized. This experimental variety was temporarily designated as CRY001. A fifth generation grown in 1981 also exhibited the true-breeding character of this new celery variety 'Deacon'.

One type of natural rogue is a non-marketable dwarf plant with thin petioles and a spindle shaped stalk which occurs at a rate of approximately one plant per 1500 plants.

EXHIBIT B

NOVELTY STATEMENT

Deacon belongs to the Crystal Jumbo class of celery varieties. Deacon possesses characteristics most closely resembling those of Tall Utah 52-70R Improved. The maturity of Deacon is similar to Tall Utah 52-70R Improved but averages 3 cm. taller from the crown to the top of the leaves. There are approximately 8 outer petioles and 5 inner petioles forming a cylindrical stalk shape that is slightly flaring at the base.

CHARACTERISTICS	DEACON	TALL UTAH 52-70R IMPROVED
1. Fusarium Yellow Race 1	<i>Highly</i> Resistant	<i>Highly</i> Resistant
2. Fusarium Yellow Race 2	Resistant Tolerant	<i>JOW</i> <i>12/7/84</i> Susceptible
3. Average maturity days	95	95
4. Ribbing	Moderate	Moderate
5. Height	62cm	59cm

SUMMARY:

Deacon is differentiated from Tall Utah 52-70R Improved which it most closely resembles by its ~~tolerance~~ to Fusarium Yellow Race 2. Deacon averages 3cm taller from the crown to the top of the leaves than Tall Utah 52-70R Improved.

Resistance

JOW

12/7/84

10-10-58



FIGURE 1. - Photograph showing the resistant reaction of Deacon to *Fusarium oxysporum* f. sp. *apii* Race 2 compared to the susceptible reaction of Tall Utah 52-70 R Improved. (Greenhouse inoculation).

1210062

FOUR STAR BOND

SOUTHWORTH CO. L.S.A.

35% COTTON FIBER

FOUR STAR BOND

SOUTHWORTH CL USA

25% COTTON FIBER

8300156



52-70 R IMP.

DEACON

FIGURE 2. - Photograph showing resistant reaction of Deacon and the susceptible reaction of 52-70R Improved to Fusarium oxysporum f. sp. apii Race 2. (Oxnard Calif.)

FOUR STAR BRAND

SOUTHWORTH OF U.S.A.

55% COTTON FIBRE





FIGURE 3 Photo above shows differences in degree of cupping between Deacon and Bishop petioles.



FIGURE 4 Photo above shows petiole comparison of Deacon and Bishop, and cross sectional view. Note differences in lesser degree of cupping and ribbines of Deacon as compared to Bishop.



RECEIVED
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FIGURE 5 Shows cut sections of petioles of Deacon and Bishop. Note pronounced ribs and less cupping in Deacon as compared to Bishop.

RACERASE BOND
SOUTHWORTH CO. L.S.A.
25% COTTON FIBER



ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 08-08-1983 BY SP-6 JLD/STW



NOV 8 1983

PROPERTY

KNACERASE BOND
SOUTHWORTH CO. U.S.A.
2885 COTTON FIBER

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
LIVESTOCK, MEAT, GRAIN & SEED DIVISION
PLANT VARIETY PROTECTION OFFICE
BELTSVILLE, MARYLAND 20705

EXHIBIT C
(Celery)

OBJECTIVE DESCRIPTION OF VARIETY
CELERY (Apium graveolens L. var. dulce (Miller) Pers.)

NAME OF APPLICANT(S) MORAN SEEDS, INC.	TEMPORARY DESIGNATION CRY001	VARIETY NAME DEACON
ADDRESS (Street and No., or R.F.D. No., City, State, and Zip Code) 1155 HARKINS ROAD SALINAS, CA 93901		FOR OFFICIAL USE ONLY PVPO NUMBER 8300156

Place numbers in the boxes to designate the expressions which are characteristic of the application variety. Data for quantitative plant characters should be based on a minimum of 50 plants. Include leading zeros when necessary (e.g.,) for quantitative data. Comparative data should be determined from varieties entered in the same trial with the same planting or transplant date. Plant colors may be precisely designated by using any recognized color chart, e.g., The National Bureau of Standards Color Kit 2107.

COMPARISON VARIETIES
(For Use Below)

1 = Tall Utah 52-70R Improved 2 = Florida 683 3 = Summer Pascal 4 = Tall Golden Self Blanching

1. TYPE:

- 1 = Crystal Jumbo (Tall Utah 52-70R Improved)
2 = Ordinary Utah (Tall Utah 10-B)
3 = Pascal (Summer Pascal)
4 = Green Intermediates (Slow Bolting Green No. 96)
5 = Yellow (Tall Golden Self Blanching)
6 = Other (Specify) _____

2. MATURITY:

Number of days from transplanting to harvest date (during principal production period of growing location):

Days in Western U.S. (Specify growing location and transplant date): Salinas Valley California

Days earlier than

Same as

Days later than

Comparison Varieties

5/19/82

Days in Eastern U.S. (Specify growing location and transplant date):

Not Tested (NT)

Days earlier than

Same as

Days later than

Comparison Varieties

Class (as determined by number of days from transplanting to harvest maturity):

In Western U.S.

1 = Very Early
(\leq or = 70 days)

2 = Early
(71 - 85 days)

In Eastern U.S.

3 = Midseason
(86 - 100 days)

4 = Late
(101 - 115 days)

5 = Very Late
(\geq or = 116 days)

5. LEAF BLADE (Of outermost petioles of trimmed plant):

Color of Upper Surface:

1 = Yellowish Green
(Tall Golden Self Blanching)2 = Dark Green
(Tall Utah 52-70R
Improved)

3 = Other (Specify) _____

Color Chart Value (Specify chart used; _____):

Application Variety _____

Comparison Variety _____

6. BOLTING:

Class:

1 = Easy Bolting (Tall Utah 52-70R Improved)
3 = Very Slow Bolting (Tall Non-Bolting Golden Plume)

2 = Slow Bolting (Slow Bolting Green No. 96)

 % Plants Bolted in Seedling Year (Specify growing location and transplant date for field tests, or temperature and length of vernalization period for artificial induction; 14 Days in cold storage room at 1°C in 1982): % More plants bolted than Same % plants bolted as % Less plants bolted than 1 = Tall Utah 52-70R Improved
2 = Florida 683
3 = Golden Plume
4 = Slow Bolting Green No. 96

7. STRESS TOLERANCE (0 = untested, 1 = susceptible, 2 = tolerant; data from replicated tests comparing the application variety with the indicated susceptible (S) and tolerant (T) check varieties should be provided whenever possible in Exhibit D):

Adaxial Crackstem (Boron Deficiency; S = Utah 10-B, T = Tall Utah 52-70R Improved)

Abaxial Crackstem (Boron Deficiency; S = Florimart, T = Florida 683)

Leaf Margin Chlorosis (Magnesium Deficiency; S = Utah 10-B, T = Tall Utah 52-75)

Blackheart (Calcium Deficiency; S = Florida 683)

Pithiness (Nutritional Deficiency; S = Tall Utah 52-70R Improved, T = Florida 2-13)

Other (Specify) _____

8. DISEASE RESISTANCE (0 = untested, 1 = susceptible, 2 = resistant; data from replicated tests comparing the application variety with the indicated susceptible (S) and resistant (R) check varieties should be provided whenever possible in Exhibit D):

Bacterial Leaf Spot (*Pseudomonas cichorii*; S = Florida 683, R = Florimart)Early Blight (*Cercospora apii*; S = Florida 683, R = Florimart)Late Blight (*Septoria* spp.; S = Florida 683)Fusarium Yellows, Race 1 (*Fusarium oxysporum* f. sp. *apii*; S = Fordhook, R = Tall Utah 52-70R Improved)Fusarium Yellows, Race 2 (*Fusarium oxysporum* f. sp. *apii*; S = Tall Utah 52-70R Improved)Western Celery Mosaic (*Marmor umbelliferarum*; S = Florida 683)Southern Celery Mosaic (*Marmor cucumeris* var. *commelinae*; S = Florida 683)Pink Rot (*Sclerotinia* spp.; S = Florida 683)

Other (Specify) _____

9. INDICATE THE VARIETY THAT MOST CLOSELY RESEMBLES THE APPLICATION VARIETY FOR THE FOLLOWING CHARACTERS:

CHARACTER	VARIETY	CHARACTER	VARIETY
Plant Height	Tall Utah 52-70R Imp.	Leaf Color	Tall Utah 52-70R Imp.
Petiole Color	Tall Utah 52-70R Imp.	Maturity	Tall Utah 52-70R Imp.
Petiole Length	Tall Utah 52-70R Imp.	Bolting Resistance	Tall Utah 52-70R Imp.

NOTE: Any additional descriptive information and supporting documentation may be provided as Exhibit D.

See computer 12/3/84

ADDITIONAL DESCRIPTION OF THE VARIETY

CELERY: DEACON

Deacon is a midseason Crystal Jumbo type celery for fresh market or processing. Deacon is taller than Tall Utah 52-70R Improved, and the slightly cupped petioles are longer and are slow to develop pithiness. Deacon is similar to Tall Utah 52-70R Improved in stalk shape and conformation, and heart formation. Deacon is tolerant to Fusarium Yellow Race 2 and 52-70R Improved is susceptible. Both are resistant to Fusarium Yellow Race 1. (Figure 1 and 2; Table 1 and 2)

Table 1. Race 2 Fusarium oxysporum f. sp. apii

Variety	% Stunting (1)		Vascular discoloration (2)	
	Macroconidia/ml		Macroconidia/ml	
	1×10^4	1×10^6	1×10^4	1×10^6
Tall Utah 52-70R Improved	68%	98%	4.5	5
Deacon	10%	18%	3.5	4

(1) - Dr. R. M. Endo, U. C. Riverside Plant Pathologist uses percent stunting as an indication of the varieties ability to produce a near normal plant.

(2) - Vascular discoloration scale 1= vascular discoloration affecting less than 50% of the infected root and 5= affecting entire crown; 2, 3, 4= intermediate values 65%, 75%, 85% respectively.

Table 2. Race 1 Fusarium oxysporum f. sp. apii

Variety	% Stunting		Vascular discoloration	
	Macroconidia/ml		Macroconidia/ml	
	1×10^4	1×10^6	1×10^4	1×10^6
Tall Utah 52-70R	0	0	0	0
Deacon	0	0	0	0.6

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ASSIGNMENT

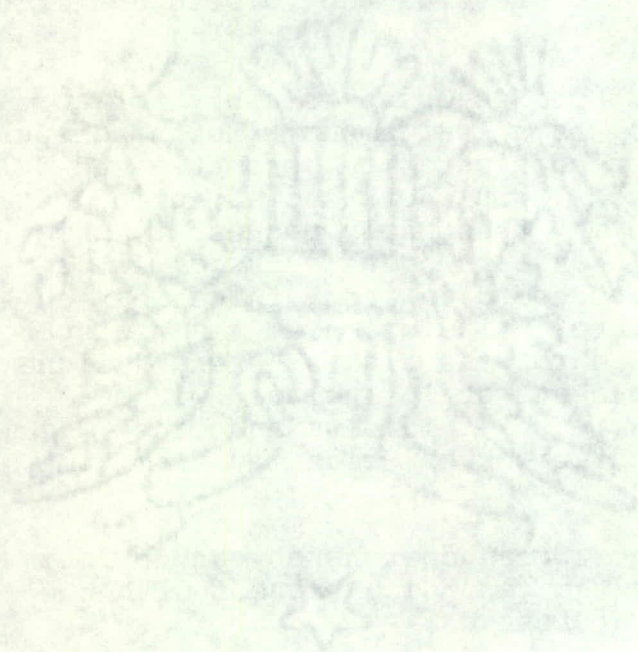
WHEREAS, Moran Seeds, Inc. ("Moran"), a corporation duly organized and existing under the laws of the State of Delaware is the owner of United States Plant Variety Protection Certificates (the "Certificates"), listed in Exhibit A hereto and Pending United States Plant Variety Protection Applications (the "Applications"), listed in Exhibit B hereto; and

WHEREAS, in accordance with a Technology Transfer Agreement (the "Transfer Agreement") among Celanese Corporation ("Celanese"), Moran Seeds, Inc., Joseph Harris Company, Inc., CelPril Industries, Inc., Harris Moran International B.V. ("Sellers"), Virginia Chemicals, Inc., Les Produits Organiques du Santerre-Orsan S.A. ("Orsan"), HMS Acquisition Inc., CP Acquisition Inc., and Exploitiemaatschappij Wolwevershaven B.V., dated January 10, 1985, and a Purchase Agreement dated December 7, 1985, as amended, among Celanese, Sellers and Orsan, Orsan has purchased from Moran said Certificates and Applications.

NOW, THEREFORE, in accordance with said Transfer Agreement and Purchase Agreement, Moran assigns to Orsan all of its rights, title and interest in and to said Certificates and Applications.

Moran hereby authorizes Orsan to apply for and obtain the recordation of this Assignment. Moran agrees that it shall, without further consideration, promptly and duly cause to be performed such lawful acts and execution of any other documents as Orsan may reasonably request in order for Orsan to obtain the full benefits of this Assignment and to permit Orsan to be duly recorded in each office, bureau and tribunal in the appropriate jurisdiction as the registered owner or proprietor of each of the rights hereby assigned. Such instruments and documents shall include, without limitation, such applications, affidavits and other documents for filing in such jurisdictions as Orsan may from time to time reasonably request.

By these presents Orsan does hereby accept this Assignment and authorize the recording thereof with the appropriate authorities aforesaid.



IN WITNESS WHEREOF, the parties have caused this Assignment to be executed by its proper officers thereunto duly authorized this 10th day of January, 1985.

MORAN SEEDS, INC.,
Assignor

By: David A. Jenkins
David A. Jenkins
Vice President

LES PRODUITS ORGANIQUES DU
SANTERRE-ORSAN S.A.
Assignee

By: [Signature]
Title: Attorney-in-fact

1082



STATE OF New York
COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared David Jenkins who acknowledged that he is Vice President of Moran Seeds, Inc., the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Moran Seeds, Inc.

Sworn before me at New York this 10th day
of January, 1985

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
Qualified in New York County
Commission Expires March 30, 1986



STATE OF New York
COUNTY OF New York

Before me, a Notary Public, in and for said County, personally appeared Patrice LeHodoy who acknowledged that he is ~~Patrice LeHodoy~~ Patrice LeHodoy of Les Produits Organiques du Santerre-Orsan S.A., the corporation which executed the foregoing instrument and who acknowledged he signed said instrument on behalf of said corporation by authority of its Board of Directors; and that said instrument is the free corporate act and deed of said Les Produits Organiques du Santerre-Orsan S.A.

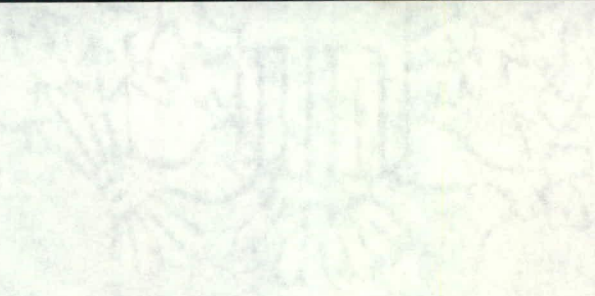
Sworn before me at New York this 10th
day of January, 1985.

Alex C. Lengyel
NOTARY PUBLIC

(Notary Public)

My Commission Expires:

ALEX C. LENGYEL
Notary Public, State of New York
No. 314805123
Qualified in New York County
Commission Expires March 30, 1986



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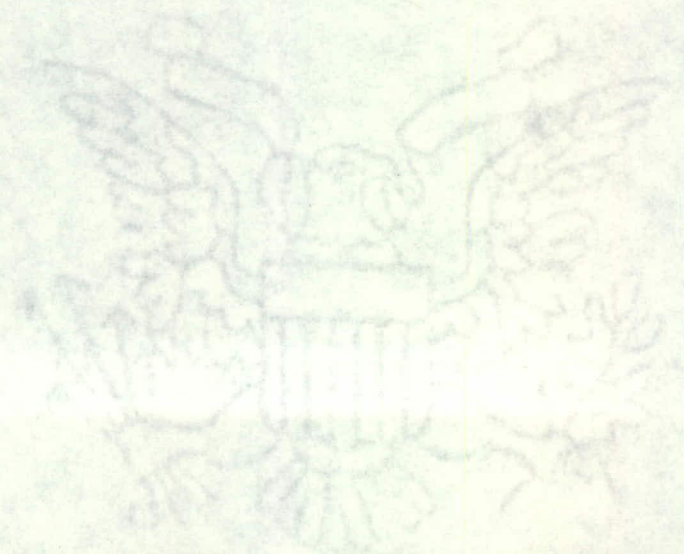
United States Plant Variety Protection Certificates

<u>Cert. No.</u>	<u>Date Issued</u>	<u>Kind</u>	<u>Variety Name</u>	<u>Owner</u>
7200145	10/30/74	Garden Bean	Gem	Moran Seeds, Inc.
7200146	11/15/74	Watermelon	Charleston 76	Moran Seeds, Inc.
7400013	5/9/74	Lettuce	Calmaria	Moran Seeds, Inc.
7400014	6/19/74	Lettuce	Cal K-60	Moran Seeds, Inc.
7400071	6/19/74	Lettuce	Cabrillo	Moran Seeds, Inc.
7600032	9/15/77	Lettuce	Vanagara	Moran Seeds, Inc.
7600039	12/8/77	Lettuce	Morangold	Moran Seeds, Inc.
7800028	5/31/79	Muskmelon	Valley Gold	Moran Seeds, Inc.
7900038	1/14/82	Garden Bean	Blue Duet	Moran Seeds, Inc.
7900039	7/15/82	Snapbean	Score	Moran Seeds, Inc.
7900066	11/27/79	Cauliflower	Snowball 123	Moran Seeds, Inc.
8000020	7/31/80	Muskmelon	Top Net	Moran Seeds, Inc.
8000082	12/10/81	Lettuce	Delmar	Moran Seeds, Inc.
8200019	10/28/82	Onion	OMO M	Moran Seeds, Inc. Oshita, Inc.
8200061	3/24/83	Watermelon	Sun Gold	Moran Seeds, Inc.
8200104	10/28/82	Tomato	Advantage	Moran Seeds, Inc.
8200105	11/26/82	Tomato	Moran 3053	Moran Seeds, Inc.
8200027	4/23/83	Lettuce	El Toro	Moran Seeds, Inc.
8100172	9/29/83	Lettuce	Van Mor	Moran Seeds, Inc.
8300113	8/31/84	Muskmelon	Top Net SR	Moran Seeds, Inc.

Pending United States Plant Variety Protection Applications

<u>Application No.</u>	<u>Filing Date</u>	<u>Kind</u>	<u>Variety Name</u>	<u>Owner</u>
8100167	9/9/81	Lettuce	Yuma	Moran Seeds, Inc.
8300155	7/18/83	Celery	Bishop	Moran Seeds, Inc.
8300156	7/18/83	Celery	Deacon	Moran Seeds, Inc.
8300172	9/1/83	Tomato	Diego	Moran Seeds, Inc.
8400013	12/1/83	Lettuce	Greenfield	Moran Seeds, Inc.

1900



DEED OF ASSIGNMENT

WHEREAS, Les Produits Organiques du Santerre - ORSAN (S.A.), a French corporation having a place of business at 16 rue Ballus, 75009 Paris, France (hereinafter referred to as "ASSIGNOR") owns and is using the Plant Variety Protection Certificates listed on the attached Exhibit for the indicated varieties which were awarded to ASSIGNOR by the Secretary of Agriculture on the indicated dates upon applications filed with the United States Plant Variety Protection Office; and

WHEREAS, Arisix (S.A.), a French corporation having a place of business at 61 rue des Belles Feuilles, 75116 Paris, France,

(hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to the said varieties and Plant Variety Protection Certificates;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title and interest in and to the said varieties and said Plant Variety Protection Certificates in the United States including reissues, and including the right to enforce such rights against any past, present or future violation thereof, the said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any right, title and interest assigned and transferred hereby.

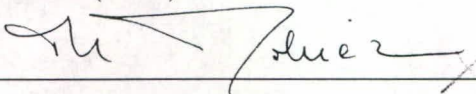
ASSIGNOR further agrees that it will, without charge to said ASSIGNEE, but at ASSIGNEE's expense, cooperate with ASSIGNEE in the assignment of said Certificates and the perfection of all rights thereto, execute, verify, acknowledge and deliver all such further papers and instruments of assignment and transfer

thereof, and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain the listed Certificates and to vest title thereto in said ASSIGNEE or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, an authorized representative of ASSIGNOR has hereunto signed its name to this assignment on the date indicated below.

Les Produits Organiques du Santerre
- ORSAN (S.A.)

Date: 11/11/95



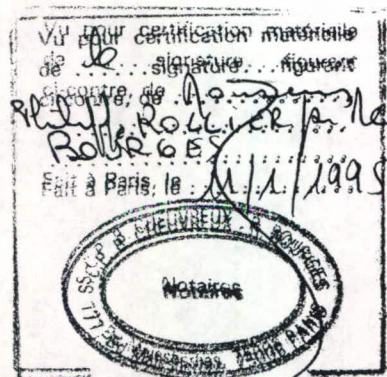
PHILIPPE ROLLIER
Print Name

PRESIDENT
Print Title

On this date, _____, 1993, before me, the undersigned notary public, personally appeared the above-named assignor, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

(Notaire)

Seal/Stamp



116

DEED OF ASSIGNMENT

WHEREAS, Arisix (S.A.), a French corporation having a place of business at 61 rue des Belles Feuilles, 75116 Paris, France (hereinafter referred to as "ASSIGNOR") owns and is using the Plant Variety Protection Certificates listed on the attached Exhibit for the indicated varieties which were awarded to ASSIGNOR by the Secretary of Agriculture on the indicated dates upon applications filed with the United States Plant Variety Protection Office; and

WHEREAS, Clause (S.A.), a French corporation having a place of business at 1 Avenue Lucien Clause, 91221 Bretigny sur ORGE Cedex, France,

(hereinafter referred to as "ASSIGNEE") is desirous of acquiring the entire right, title and interest in and to the said varieties and Plant Variety Protection Certificates;

NOW, THEREFORE, TO ALL WHOM IT MAY CONCERN: Be it known that, for good and valuable consideration, receipt of which is hereby acknowledged, ASSIGNOR has sold, assigned and transferred, and by these presents does sell, assign and transfer unto said ASSIGNEE, and ASSIGNEE'S successors and assigns, all right, title and interest in and to the said varieties and said Plant Variety Protection Certificates in the United States including reissues, and including the right to enforce such rights against any past, present or future violation thereof, the said interest to be held and enjoyed by said ASSIGNEE as fully and exclusively as it would have been and enjoyed by said ASSIGNOR had this assignment and transfer not been made, to the full end and term of any right, title and interest assigned and transferred hereby.

ASSIGNOR further agrees that it will, without charge to said ASSIGNEE, but at ASSIGNEE's expense, cooperate with ASSIGNEE in the assignment of said Certificates and the perfection of all rights thereto, execute, verify, acknowledge and deliver all such further papers and instruments of assignment and transfer

thereof, and will perform such other acts as ASSIGNEE lawfully may request, to obtain or maintain the listed Certificates and to vest title thereto in said ASSIGNEE or ASSIGNEE's successors and assigns.

IN TESTIMONY WHEREOF, an authorized representative of ASSIGNOR has hereunto signed its name to this assignment on the date indicated below.

Date: 1/11/95

Arisix (S.A.)

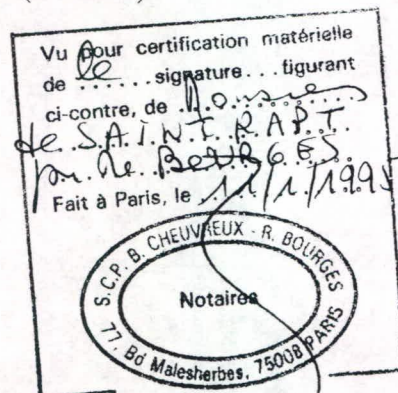
[Signature]
Print Name R DE SAINT RAPT

PRESIDENT
Print Title

On this date, _____, 1993, before me, the undersigned notary public, personally appeared the above-named assignor, known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same.

Seal/Stamp

(Notaire)



EXHIBIT

Certif. #	Date Status Begins	Crop	Variety Name
7600032	09/15/77	Lettuce	Vanagara
7600039	12/08/77	Lettuce	Morangold
7605018	09/28/77	Marigold	Cabaret Orange
7800028	05/31/79	Muskmelon	Valley Gold
7800033	12/21/78	Radish	Fancy Red
7800086	01/25/79	Lettuce	Deep Red
7900038	01/14/82	Garden Bean	Blue Duet
7900039	07/15/82	Garden Bean	Score
7900066	11/27/79	Cauliflower	Snowball 123
8000020	07/31/80	Muskmelon	Top Net
8000082	12/10/81	Lettuce	Delmar
8100167	3/29/85	Lettuce	Yuma
8100172	09/29/83	Lettuce	Van Mor
8200027	04/23/83	Lettuce	El Toro
8200045	09/23/82	Turnip	Royal Gem
8200061	03/24/83	Watermelon	Sun Gold
8200068	12/30/82	Egg Plant	Little Fingers
8200104	10/28/82	Tomato	Advantage
8200105	11/26/82	Tomato	Moran 3053
8300024	12/30/83	Radish	Red King
8300113	08/31/84	Muskmelon	Top Net SR
8300155	02/22/85	Celery	Bishop
8300156	01/25/85	Celery	Deacon
8300172	11/29/85	Tomato	Harris Morgan 3075
8400013	2/19/88	Lettuce	Greenfield
8600032	03/11/88	Tomato	Murrieta II

Expired

Expired

Expired

PLANT VARIETY PROTECTION REGISTRATION ASSIGNMENTS

Clause, S.A. to Harris Moran Seed Company

WHEREAS, Clause, S.A. ("Assignor"), a corporation organized and existing under the laws of France, has sold and transferred assets, including plant variety protection registrations, to Harris Moran Seed Company ("Assignee"), a corporation organized and existing under the laws of the State of Maryland;

WHEREAS, Assignor, is the owner of the following plant variety protection registrations:

<u>VARIETY NAME</u>	<u>Registration No.</u>	<u>Issue Date</u>
BLUE DUET	7900038	01/14/82
SCORE	7900039	07/15/82
TOP NET SR	8300113	08/31/84
TOP NET	8000020	07/31/80
SNOWBALL 123	7900066	11/27/79
BISHOP	8300155	02/22/85
DEACON	8300156	01/25/85
LITTLE FINGERS	8200068	12/30/82
EL TORO MI	8200027	04/28/83
DELMAR MI	8000082	12/10/81
GREENFIELD MI	8400013	02/19/88
VAN MOR MI	8100172	03/29/83
YUMA MI	8100167	03/29/85

RED KING	8300024	12/30/83
MORAN 3053	8200105	11/26/82
ADVANTAGE	8200104	10/28/82
HARRIS MORAN 3075	8300172	11/29/85
ROYAL GEM	8200045	09/23/82
SUN GOLD	8200061	03/24/83

WHEREAS, Assignor is desirous of selling and Assignee is desirous of acquiring the aforesaid plant variety protection registrations of Assignor.

NOW THEREFORE, for \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, Assignor, by these presents sells, assigns and transfers to Assignee, its successors and assigns, all right title and interest in and to the above-referenced plant variety protection registrations, to be held and enjoyed by said Assignee, as fully as the same would have been enjoyed by said Assignor, had this assignment not been made.

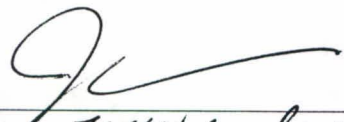
Assignor also assigns and transfers to Assignee, any and all causes of action, claims, demands, or other rights occasioned from or because of any and all past infringement of any of the above referenced plant variety protection registrations.

Assignor further agrees that upon request, it will execute any and all documents necessary to vest all rights, title and interest in and to the above-referenced plant variety protection registrations

IN WITNESS WHEREOF, said Assignor, has affixed its signature hereto this 22 day of

January, 1997.

CLAUSE, S.A.

By: 
Name: John W. Foster
Title: Chairman

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and existing under the laws of the State of Maryland, having its principal place of business at 4511 Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938, Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had adopted, used and was using as of the effective date of this Assignment, including without limitation, the intellectual property represented by the United States Plant Variety Protection Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

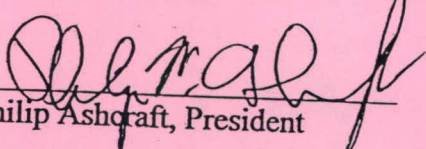
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordations thereof, including, but not limited to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and any and all rights to initiate claims or proceedings for past, present or future infringements of Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

By:


Philip Ashcraft, President

CERTIFICATE OF AMENDMENT
OF THE
ARTICLES OF INCORPORATION
OF

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

JUN 30 1997

Bill Jones
BILL JONES, Secretary of State

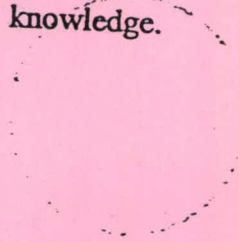
To the Secretary of State
State of California

Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

1. The name of the Corporation is Ferry-Morse Seed Company (California).
2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:
 - One. The name of this Corporation is:
HARRIS MORAN SEED COMPANY.
3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.

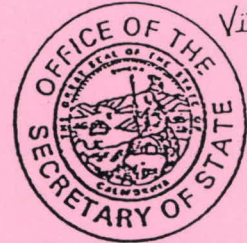

Yves Queste
Yves Queste, President

Helen Andritsakis
Helen Andritsakis, Secretary

State of California



SECRETARY OF STATE



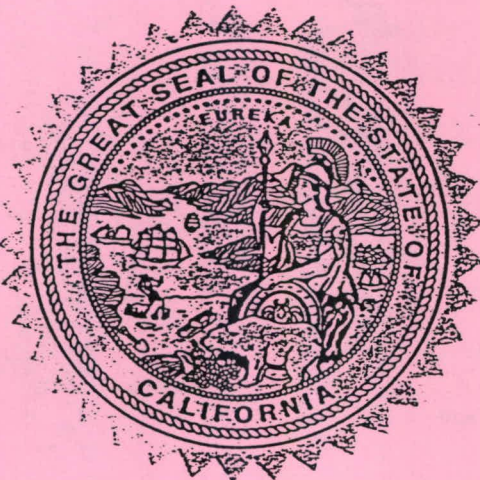
2 PAGES

I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

JUN 30 1997

*Bill Jones*

Secretary of State

